

ANTHONY J. MARTONE
ATTORNEY AT LAW

80-02 KEW GARDENS ROAD
SUITE 1030
KEW GARDENS, NEW YORK 11415
TEL: (718) 520-7956
FAX: (718) 793-0165

3451 KENNEDY BOULEVARD
JERSEY CITY, NEW JERSEY 07307
TEL: (201) 653-7200
FAX: (201) 653-6979

ADMITTED TO NY AND NJ BARS

PLEASE REPLY TO NY

The Honorable Robert P. Paterson
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

December 9, 2008

RE: United States of America v. Damian Reid a/k/a Dujon Reid; S 5 07 Cr. 971(RPP)

Dear Judge Paterson,

In reference to the above matter, this letter is respectfully submitted on behalf of Damian Reid (aka Dujon Reid), who is scheduled to be sentenced by Your Honor on December 17, 2008. On November 13, 2007, Indictment No. S5 07 CR 971 was filed in the Southern District of New York charging Mr. Reid and others with conspiracy to possess with intent to distribute over 1000 kilograms of marijuana in violation of 21 USC 841 (b)(1)(A). On July 22, 2008 Mr. Reid appeared before Your Honor and entered a plea of guilty pursuant to a plea agreement with the Government. Under the terms of said agreement Mr. Reid pled guilty to violating Title 21 USC 841(b)(1)(B) and the parties have stipulated that he is responsible for a quantity of marihuana which is between 700 and 1,000 kilograms.

Mr. Reid was interviewed by the Department of Probation and a pre-sentence report was prepared. The undersigned has reviewed the report with Mr. Reid and we have no objections to the factual portions of the report or the guideline calculations contained therein.

The Offense Conduct

The indictment before the Court arises out of an investigation commencing in 2006 by the DEA into the possession and distribution of marijuana by Hughie Gray and others. During the investigation Mr. Reid was identified as one of the individuals involved in the conspiracy. Mr. Reid would be directed to pick up

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and deliver quantities of marijuana in the Southern District of New York. Over the course of his involvement with the conspiracy, it is believed that Mr. Reid is responsible for between 700 and 1,000 kilograms of marijuana. While the amount he is responsible for is significant, he was a lower level participant in the conspiracy and his monetary gains were not substantial.

The Pre-Sentence Report and Guideline Calculations

As mentioned above, the plea was entered pursuant to a plea agreement with the government. The agreement provides for a base offense level of 30 pursuant to U.S.S.G. §2D1.1(c)(5), between 700 and 1,000 kilograms. There is a two level increase pursuant to U.S.S.G. § 2D1.1(b)(1), as Mr. Reid aided in the possession of a dangerous weapon in connection with the conspiracy. Mr. Reid has fully accepted responsibility for his conduct and has done so in a timely manner, as such a three level adjustment is warranted pursuant to U.S.S.G. § 3E1.1(a) and (b). The resultant adjusted offense level is 29. Mr. Reid is in criminal history category I. The sentencing range is 87 to 108 months. The pre-sentence report contains the same calculations and we respectfully request that the Court adopt these guidelines for consideration.

Personal Characteristics and Factors enumerated under 18 U.S.C. § 3553

Mr. Reid was born on January 22, 1982 in Kingston Jamaica. He is currently 26 years of age and the father of two sons. Mr. Reid was born into a large family, he has nine siblings one of whom was killed in Jamaica. Unfortunately he did not meet his father until he was 17 years of age. His family was raised in a small two bedroom, one bathroom residence. They were impoverished and battled day to day without the support of a father. His mother was the strength of the family. She struggled to keep her family fed and provide them with the core necessities of life. Her main source of income was cooking food at home and selling it at the market place. Although financially trying times, Mr. Reid expresses fond memories of his mother creating a loving environment. Mr. Reid does admit however that there is a void in his life because of the absence of his father during his childhood. When he first met him at 17 years old, Mr. Reid did not hold a grudge or hostility towards him, instead he welcomed him into his life and created a father/son bond that remains a strong and loving relationship. This speaks loudly of the type of personality he possesses. It takes great character for one to put aside his feelings of abandonment and invite his father into his life and show him unconditional love and support. This trait in his personality is a common theme among the letters from his family, friends and fiancée that are being submitted with this letter. Each and every person writing on his behalf goes out of their way to express what a warm, considerate sensitive person Mr. Reid is. Also common in most of the letters is the shock of Mr. Reid's actions as they appear so aberrational to his character. He is known to be a role model to the children in his extended family. One who is the support of others in time of need. Now he is the one in need and it is clear that the ones that he always was there for are now there for him. His family while extremely disappointed and hurt by his actions, remain supportive of him throughout

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this ordeal. His mother who suffers from diabetes a decease that resulted in a leg amputation and life long dialysis treatment (see letter from social worker attached hereto), is absolutely distraught over the fate of Damian. Prior to his arrest he was the primary caretaker for his mother. He would take her to all her doctor appointments, dialysis treatment and make sure she had her medication. He expressed to me that this never struck him as a chore or a cross he had to bear, instead while he was saddened by his mother's condition, he was proud he could be there in her time of need like she was so many times for him when he was a child.

Mr. Reid fully accepts responsibility for his actions and now faces the harsh realization that he, like his father, will not be there for his two sons. His dream was to come to the United States, like some of his siblings, and become successful, respected and productive citizens. Unfortunately, he could not gain entry into the country legally and decided to enter and remain illegally. Of course his status prevented him from following in his siblings footsteps as he was not able to obtain employment or pursue his dream of attending school. He was left with the choice to remain illegally or return home with no hope of getting out of poverty. He elected to remain in the United States doing odd jobs and construction work, a trade his father taught him in Jamaica. He also, as mentioned above, took care of his mother. He lived with his sister and sent back whatever money he could for his sons. He became frustrated and saddened by his lack of productivity and advancement and began to use drugs. In 2003 he began to use cocaine for a short period of time until he was arrested for possession. He pled guilty, paid a fine and sought treatment for his addiction which he overcame. Up to his arrest he did use marijuana daily. His use thereof lead to an opportunity to make a quick dollar. With no prospects or hope of obtaining respectable employment, Mr. Reid regrettably made the decision to get involved with an individual who distributed marijuana. He fully takes responsibility for his actions. He knowingly participated and aided in the conspiracy to distribute marijuana. He, and possibly more importantly his family, will ever have to live with his tragic decision. He fully understands the consequences of his actions and the affect it is having on his family and fiancée, Ms. Wynter. Damian encouraged her to pursue an education and earn a college degree, an accomplishment they are both proud of and something that he knew was beyond his reach. Ms. Wynter remains supportive of Damian and hopes to honor her engagement to him and get married.

In addition to the letters of Mr. Reid's family and friends I am attaching his letter to the Court dated October 15, 2008. I think it is important to state that Mr. Reid submitted this letter without counsel's knowledge or review. He felt that this writing should come from his heart without outside influence so as Your Honor can obtain a better understanding of him. It is apparent that his family is of utmost importance in his life. He clearly is being punished not only by incarceration but by the hurt his family is experiencing. They visit him every Thursday and spend as much time as possible. In fact on one occasion I visited Mr. Reid on a Thursday to discuss pressing issues with him. His family was there and he asked if I wouldn't mind if he spent the time with his family as he doesn't get the chance to see them that often. I was touched by the genuine love he had for his family and sat there in admiration of them celebrating and truly enjoying their time together.

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Conclusion

The offense herein is serious and is one which our system and society have an abiding interest in preventing. We understand the need for adequate deterrence both general and specific. We most respectfully submit however, that Damian "Dujon" Reid is not a man for whom a lengthy prison term is required to achieve these goals. He is not malicious or violent man. He is a caring and loving son to a very sick mother. He is a devoted father and brother to many siblings and a supportive dedicated fiancée to his future wife. He has always shown respect and concern for others as well as his willingness to help those in need. Though faced with many obstacles and living with sense of abandonment he has always exuded kindness and caring even through his lack of productive direction.

Mr. Reid will not repeat his conduct in this case and clearly recognizes the ramifications of his actions. He will without question be deported to Jamaica upon his release with no prospect of ever returning to the United States given this conviction. There is truly no danger of recidivism as Mr. Reid would never again risk his liberty or the well being of his family by engaging in unlawful conduct.

We would ask the Court to consider all the above and sentence Mr. Reid in a manner which to this Court is fair, just and proper.

Respectfully Submitted,

Anthony J. Martone

cc: John Zach
Assistant United States Attorney

Jemmard Thomas
United States Probation Officer

